



National Aeronautics and  
Space Administration

**Principal Center for Regulatory Risk Analysis and Communication**

# Regulatory Tracking Summary

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*24 April 2009*

This report summarizes regulatory items reviewed by the NASA RRAC PC. Items that appeared to have limited interest to the NASA community, or are provided for information only, are shown in light gray text. Notes and comments by the RRAC PC are shown in bold, blue text under "Description." Related documents and citations, such as "71 FR 51967," are linked to the appropriate document for quick access. Suggested follow-up actions are noted with significant items; users are advised that other follow-up actions may be appropriate for their program or facility.

Previous issues of this regulatory summary are archived on the RRAC PC website at <http://www.rracpc.org>. Comments, questions, suggestions, and requests for further information should be directed to the RRAC PC Manager, Sharon Scroggins at 256-544-7932 ([sharon.scroggins@nasa.gov](mailto:sharon.scroggins@nasa.gov)).

## Contents of This Issue

<b>1.0</b>	<b>U.S. Federal Regulatory Review</b>	<b>4</b>
1.1	Federal Register Summary	4
1.2	Significant News and Other Developments	6
1.3	Regulatory Communication Working Group Updates	7
<b>2.0</b>	<b>State Regulatory Reviews</b>	<b>8</b>
2.1	Alabama State Regulatory Review	8
2.2	California State Regulatory Review	8
2.2.1	<i>ARB Approves Distribution of \$42 Million in AB 118 Grants–Air Quality Improvement Program to Fund Clean Engine Technologies</i>	9
2.3	Colorado State Regulatory Review	10
2.4	Florida State Regulatory Review	10
2.5	Louisiana State Regulatory Review	12
2.6	Maryland State Regulatory Review	12
2.7	Mississippi State Regulatory Review	13
2.8	New Mexico State Regulatory Review	14
2.9	Ohio State Regulatory Review	14
2.10	Texas State Regulatory Review	15
2.11	Utah State Regulatory Review	16
2.11.1	<i>Western Climate Initiative</i>	16
2.12	Virginia State Regulatory Review	17

## Acronyms

ARB = Air Resources Board	NSRL = No significant risk level
CAA = Clean Air Act	OAC = Ohio Administrative Code
CCR = <i>California Code of Regulations</i>	ODS = Ozone depleting substance
CFR = <i>Code of Federal Regulations</i>	OEPA = Ohio Environmental Protection Agency
CO = Carbon monoxide	PHG = Public health goal
COMAR = <i>Code of Maryland Regulations</i>	PM Particulate matter
CRNR = California Regulatory Notice Register	PSD = Prevention of significant deterioration
CWA = Clean Water Act	RACT = Reasonably available control technology
EPA = U.S. Environmental Protection Agency	RIN = Regulatory Identification Number
FAA = Federal Aviation Administration	RMP = Risk Management Plan
F.A.C = Florida Administrative Code	RRAC PC = Principal Center for Regulatory Risk Analysis and Communication
FAW = Florida Administrative Weekly	SJRWMD = St. Johns River Water Management District
FDEP = Florida Department of Environmental Protection	SIP = State Implementation Plan
FR = <i>Federal Register</i>	SO <sub>2</sub> = Sulfur dioxide
GHG = Greenhouse gas	TAC = Technical Advisory Committee
HAP = Hazardous air pollutants	U.S. = United States
<i>Md.R.</i> = <i>Maryland Register</i>	UAC = Utah Administrative Code
MDE = Maryland Department of the Environment	Va.R. = <i>Virginia Register</i>
NAAQS = National Ambient Air Quality Standards	VCAPCD = Ventura County Air Pollution Control District
NASA = National Aeronautics and Space Administration	WCI = Western Climate Initiative
NMAC = New Mexico Administrative Code	WSTF = White Sands Test Facility
NPDES = National Pollutant Discharge Elimination System	
NRCS = Natural Resources Conservation Service	

## 1.0 U.S. Federal Regulatory Review

### 1.1 Federal Register Summary

This summary includes FR items that were reviewed for potential impacts to NASA Centers and Programs.

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED042409-1	CAA Greenhouse Gases	04/24/2009	<a href="#">74 FR 18885</a>	Proposed Rule	<p>Proposed Endangerment and Cause or Contribute Findings for Greenhouse Gases under Section 202(a) of the Clean Air Act</p> <p>Proposes to find that GHGs in the atmosphere endanger the public health and welfare of current and future generations. Proposes to make the finding specifically with respect to the following GHGs:</p> <ul style="list-style-type: none"> <li>▪ Carbon dioxide</li> <li>▪ Methane</li> <li>▪ Nitrous oxide</li> <li>▪ Hydrofluorocarbons</li> <li>▪ Perfluorocarbons</li> <li>▪ Sulfur hexafluoride</li> </ul> <p>Also proposes to find that the combined emissions of carbon dioxide, methane, nitrous oxide, and hydrofluorocarbons from new motor vehicles and new motor vehicle engines are contributing to this mix of GHGs in the atmosphere, and thus are contributing to air pollution, which is endangering public health and welfare. Comments due 06/23/2009. Public hearings to be held 05/18/2009 in Arlington, Virginia, and 05/21/2009 in Seattle, Washington.</p> <p><a href="#">See related item below.</a></p>	
FED042409-2	CAA NAAQS-CO	04/15/2009	<a href="#">74 FR 17490</a>	Notice	<p>Review of the National Ambient Air Quality Standards for Carbon Monoxide</p> <p>Notice of availability of a document titled, <a href="#">"Carbon Monoxide National Ambient Air Quality Standards: Scope and Methods Plan for Health Risk and Exposure Assessment."</a> Document describes EPA's planned approach for developing analyses as part of the review of the NAAQS for CO. Comments due 06/15/2009.</p>	
FED042409-3	CAA NAAQS-SO <sub>2</sub>	04/23/2009	<a href="#">74 FR 18573</a>	Notice	<p>Second Draft Risk and Exposure Assessment Report for Sulfur Dioxide (SO<sub>2</sub>)</p> <p>Notice of availability of a draft document titled, <a href="#">"Risk and Exposure Assessment to Support the Review of the SO<sub>2</sub> Primary National Ambient Air Quality Standards: Second Draft."</a> The document's purpose is to convey the approach taken in and results of an assessment of exposures to ambient SO<sub>2</sub> and to characterize associated health risks. Comments due 05/20/2009.</p>	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED042409-4	CAA PM10 and PM2.5 Measurement	04/21/2009	<a href="#">74 FR 18330</a>	Notice	Methods for Measurement of Filterable PM10 and PM2.5 and Measurement of Condensable Particulate Matter Emissions from Stationary Sources [40 CFR Part 51]  Makes corrections to proposed rule ( <a href="#">74 FR 12969</a> , 03/25/2009) to amend test methods for measuring particulate matter emissions. [RIN 2060-AO58]	
FED042409-5	CAA Risk Management Plans	04/15/2009	<a href="#">74 FR 17483</a>	Notice	Method and Format for Submitting Risk Management Plans (RMPs) under Section 112(r) of the Clean Air Act  Provides information about the method and format for submitting RMPs under the Chemical Accident Prevention regulations (40 CFR Part 68). A new RMP submission method, called RMP*Submit, should be used by facilities submitting their RMPs electronically beginning 03/13/2009.	
FED042409-6	Commercial Space Transportation Jacksonville Aviation Authority Launch Site	04/21/2009	<a href="#">74 FR 18274</a>	Notice	Federal Aviation Administration  Office of Commercial Space Transportation; Notice of Availability and Request for Comment on the Environmental Assessment for the Jacksonville Aviation Authority Launch Site Operator License at Cecil Field, Florida  Announces the availability of and requests comments on the Environmental Assessment for the Jacksonville Aviation Authority Launch Site Operator License at Cecil Field, Florida. Under the Proposed Action, the FAA would issue a Launch Site Operator License to Jacksonville Aviation Authority to operate a facility for horizontal launches and landings of suborbital manned reusable launch vehicles. These vehicles, when operated out of Cecil Field, could carry space flight participants, scientific experiments, or payloads. The proposed launch site is about 15 miles southwest of downtown Jacksonville, Florida. Comments due 05/20/2009. Public hearing to be held 05/14/2009 in Jacksonville, Florida.	
FED042409-7	CWA NPDES	04/15/2009	<a href="#">74 FR 17403</a>	Final Rule	Withdrawal of NPDES Voluntary Permit Fee Incentive for Clean Water Act Section 106 Grants; Allotment Formula [40 CFR Part 35]  Withdraws a financial incentive for states to voluntarily collect adequate NPDES permit fees. Effective 04/15/2009. [RIN 2040-AE99]	
FED042409-8	CWA Ocean Acidification	04/15/2009	<a href="#">74 FR 17484</a>	Notice	Ocean Acidification and Marine pH Water Quality Criteria  Provides information about ocean acidification and solicits additional pertinent data or information that may be useful in addressing this issue.  Announces intent to review the current aquatic life criterion for marine pH to determine if a revision is warranted. Solicits additional scientific information and data, as well as ideas for effective strategies for federal, state, and local officials to address the impacts of ocean acidification. Requests information pertaining to monitoring marine pH and implementation of pH water quality standards. Comments due 06/15/2009.	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED042409-9	Hazardous Materials Mailing Hazardous Materials	04/24/2009	<a href="#">74 FR 18630</a>	Final Rule	U.S. Postal Service Rules of Practice in Proceedings Relative to Mailing Hazardous Materials [39 CFR Part 958] Prescribes regulations for the safe transportation of hazardous materials in the mail. Also prescribes regulations for the conduct of proceedings to determine the implementation of civil penalties, cleanup costs, and damages for violations of the regulations. Effective 04/24/2009.	
FED042409-10	Marine Protected Areas	04/23/2009	<a href="#">74 FR 18551</a>	Notice	National Oceanic and Atmospheric Administration List of National System Marine Protected Areas Notice of availability of the <a href="#">List of National System Marine Protected Areas</a>	
FED042409-11	NRCS National Handbook of Conservation Practices	04/15/2009	<a href="#">74 FR 17450</a>	Notice	Natural Resources Conservation Service Notice of Proposed Changes to the Natural Resources Conservation Service's National Handbook of Conservation Practices Notice of intent to issue a series of revised conservation practice standards in the <a href="#">National Handbook of Conservation Practices</a> . These standards include the following: <ul style="list-style-type: none"> <li>▪ Anaerobic Digester (Code 366)</li> <li>▪ Anionic Polyacrylamide Application (Code 450)</li> <li>▪ Brush Management (Code 314)</li> <li>▪ Fish Raceway or Tank (Code 398)</li> <li>▪ Irrigation Ditch Lining (Code 428)</li> <li>▪ Irrigation Pipeline (Code 430)</li> <li>▪ Irrigation Reservoir (Code 436)</li> <li>▪ Surface Drain, Field Ditch (Code 607)</li> <li>▪ Surface Drainage, Main or Lateral (Code 608)</li> <li>▪ Roof Runoff Structure (Code 558)</li> <li>▪ Surface Roughening (Code 609)</li> </ul> The standards are used by NRCS state offices to develop state conservation practice standards. These practices may be used in conservation systems that treat highly erodible land or on land determined to be a wetland. Comments due 05/15/2009.	

## 1.2 Significant News and Other Developments

### *EPA Finds Greenhouse Gases Pose Threat to Public Health, Welfare*

On 24 April 2009, EPA issued a proposed finding ([74 FR 18885](#)) that GHGs contribute to air pollution that may endanger public health or welfare. The finding comes after a thorough scientific review ordered in 2007 by the U.S. Supreme Court. The finding identified six GHGs that pose a potential threat: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride.

In the finding, EPA also indicates that climate change has national security implications. In 2007, 11 retired U.S. generals and admirals signed a report from the Center for a New American Security stating that climate change “presents significant national security challenges for the United States” due to an increasing scarcity of resources.

EPA will accept comments on the proposed endangerment finding until 23 June 2009. Additional information is available on [EPA's website](#).

### *EPA to Accept Electronic Submittals of Risk Management Plans*

On 15 April 2009, EPA issued guidance ([74 FR 17483](#)) for facilities to submit RMPs for HAPs electronically. Facilities subject to Section 112(r) of the CAA are required to submit an RMP to prevent emergency releases of HAP emissions. Plans can now be submitted electronically through EPA's [RMP\\*eSubmit system](#). Instructions for using the new electronic reporting system are on [EPA's website](#).

## 1.3 Regulatory Communication Working Group Updates

Regulatory Communication Working Group Calls in 2009 will be held on the following Wednesdays at 12 p.m. CT:

- 20 May
- 17 June
- 1 July
- 15 July
- 5 August
- 19 August
- 2 September
- 16 September
- 7 October
- 21 October
- 4 November
- 18 November
- 2 December

## 2.0 State Regulatory Reviews

The following sections provide details of the regulatory actions reviewed for selected states in which NASA facilities and related operations are located.

### 2.1 Alabama State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of Alabama.

### 2.2 California State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in California. Citations of the [CRNR](#) are linked to the appropriate volume of the Register, which is published in Adobe Acrobat (pdf) file format.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA042409-1	Air SIP	04/21/2009	<a href="#">74 FR 18148</a>	Final Rule	<a href="#">U.S. Environmental Protection Agency</a> Revisions to the California SIP, Approval of the Ventura County Air Pollution Control District–Reasonably Available Control Technology Analysis [40 CFR Part 52]  Final approval of revisions to the VCAPCD portion of the California SIP. Revisions concern the District's analysis of whether its rules meet RACT under the 8-hour ozone NAAQS. Effective 05/21/2009.	
CA042409-2	Climate Change	04/17/2009	<a href="#">CRNR 2009, 16z, p.584</a>	Notice of Availability	<a href="#">Office of Environmental Health Hazard Assessment</a> <a href="#">Indicators of Climate Change in California</a> Presents the 27 climate change indicators in California. Highlights priority areas for state mitigation and adaptation strategies. Indicates that changes occurring in California are largely consistent with those observed globally.	
CA042409-3	Electrical Safety	04/17/2009	<a href="#">CRNR 2009, 16z, p.592</a>	Notice	<a href="#">Occupational Safety and Health Standards Board</a> High-Voltage Electrical Safety Orders [8 CCR ADOPT: 2710.1, 2716.1, 2718, 2718.1, 2738, 2739.0, 2739.4, 2742.0, 2742.1, 2742.2, 2742.3, 2745.0, 2745.1, 2749.2, 2754.1, 2754.2, 2796, 2799.1, 2799.2, 2799.3, 2799.4, 2799.5, 2799.6, 2812.2, 2812.3, 2832, 2833.1, 2833.2, 2882.2, 2985.0, 2985.1, 2985.2, 2987.0, 2987.1, 2989.0, 2989.1 AMEND: 2700, 2706, 2707, 2710, 2712, 2714, 2715, 2725, 2735, 2739.1, 2743, 2745.2, 2749.1, 2753, 2790, 2791, 2792, 2795, 2797, 2799.0, 2805, 2810, 2812.1, 2816, 2819, 2820, 2833, 2845, 2847, 2863, 2873, 2874, 2875, 2880, 2882.1, 2890, 2893, 2908, 2910, 2931, 2932, 2933, 2934, 2935, 2946, 2974 REPEAL: 2742]  Adopts standards that are similar to federal standards concerning High-voltage Electrical Safety Orders. Effective 04/01/2009.	
CA042409-4	Endangered Species	04/14/2009	<a href="#">CRNR 2009, 17z, p.609</a>	Notice of Findings	<a href="#">Fish and Game Commission</a> <a href="#">Pacific Fisher Declared a Candidate for Listing as Threatened or Endangered</a>  Adopts the above finding. Effective 04/08/2009.	



Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA042409-5	Endangered Species	04/22/2009	<a href="#">74 FR 18336</a>	Notice	<a href="#">U.S. Fish and Wildlife Service</a> Endangered and Threatened Wildlife and Plants; 90-Day Finding on a Petition to List the Tehachapi Slender Salamander ( <i>Batrachoseps stebbinsi</i> ) as Threatened or Endangered [50 CFR Part 17]  Announces a 90-day finding and initiation of a status review on a petition to list the Tehachapi slender salamander ( <i>Batrachoseps stebbinsi</i> ) as a threatened or endangered species. Solicits information and data regarding this species Information due 06/22/2009.	
CA042409-6	Proposition 65	05/07/2009	<a href="#">CRNR 2009, 16z, p. 593</a>	Notice	<a href="#">Office of Environmental Health Hazard Assessment</a> <a href="#">Notice of Adoption to Text of Regulations Title 27, California Code of Regulations Amendment to Section 25705(b) NSRL for Ethylbenzene [27 CCR 25705(b)]</a>  <a href="#">Announces the proposed adoption of the NSRL for the chemical ethylbenzene.</a> Establishes the specific regulatory level at which exposure to ethylbenzene poses no significant risk at 54 micrograms per day (inhalation) and 41 micrograms per day (oral). Effective 05/07/2009.	
CA042409-7	Proposition 65	04/14/2009	<a href="#">CRNR 2009, 17z, p. 610</a>	Notice of Intent	<a href="#">Office of Environmental Health Hazard Assessment</a> <a href="#">Notice of Intent to List 4-methylimidazole Extension of Public Comment Period</a>  Extends the public comment period for <a href="#">4-Methylimidazole</a> (CAS No. 822-36-6). Comments due 05/29/2009.	
CA042409-8	Proposition 65	04/24/2009	<a href="#">CRNR 2009, 17z, p. 609</a>	Notice	<a href="#">Office of Environmental Health Hazard Assessment</a> <a href="#">Announcement of the Second Comment Period for the Proposed Public Health Goal for Bromate in Drinking Water</a>  Announces the availability of a <a href="#">draft technical support document</a> for the proposed PHG for bromate in drinking water. Comments due 05/28/2009.	
CA042409-9	Proposition 65	04/24/2009	<a href="#">CRNR 2009, 17z, p. 609</a>	Notice	<a href="#">Office of Environmental Health Hazard Assessment</a> <a href="#">Announcement of Publication of the Final PHGs for Lead, Oxamyl and Pentachlorophenol in Drinking Water</a>  Announces the publication of the final technical support documents for the PHGs for lead, oxamyl, and pentachlorophenol in drinking water.	

## 2.2.1 ARB Approves Distribution of \$42 Million in AB 118 Grants–Air Quality Improvement Program to Fund Clean Engine Technologies

The ARB approved \$42 million on 24 April 2009 in [AB 118 Air Quality Improvement Program](#) projects that will accelerate the commercialization of on-road and off-road clean engine technologies.

Beginning this fall, parties will be able to use these grants toward the purchase of zero-emission or hybrid engine technologies to help meet long-term air quality and climate change goals.

All interested parties can participate in the following funding assistance programs to purchase new commercially available technologies for the 2009-10 fiscal year by contacting ARB. The four projects are as follows:

- \$25 million for hybrid trucks and buses
- \$5 million for zero-emission and plug-in hybrid cars and motorcycles

- \$2 million for lawn and garden equipment that will augment air districts' existing replacement programs
- \$1.3 million for zero-emission agricultural equipment

The Air Quality Improvement Program also will fund demonstration projects that will focus on promising technologies not yet in wide production. The five projects are as follows:

- \$2 million for the production of locomotives that emit lower amounts of nitrogen oxides and particulate matter
- \$1 million for hybrid marine vessels
- \$3 million for zero-emission or plug-in hybrid transit and school buses in addition to retrofits
- \$2 million for hybrid off-road equipment and retrofits such as vehicles used in construction, mining, and airport ground support
- \$1 million for hybrid off-road agricultural equipment and retrofits including tractors and agricultural pumps

Visit <http://www.arb.ca.gov/msprog/aqip/aqip.htm> for more information.

## 2.3 Colorado State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of Colorado.

## 2.4 Florida State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Florida.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
FL042409-1	Air Stationary Sources	04/17/2009	<a href="#">FAW Notice #7009043</a>	Notice Proposed Rule	Chapter 62–FDEP 212–Stationary Sources–Preconstruction Review  Proposes amendments to Chapter 62-212, F.A.C., in response to requirements imposed by the EPA conditional approval of Florida's PSD air permitting program under the federal CAA. Proposed amendments clarify that for any pollutant for which a permit applicant determines there will be no significant emissions increase pursuant to the PSD applicability provisions, the applicant must provide any netting calculations that were used, as well as documentation of any emissions that were allowably excluded in the determination of projected actual emissions. Proposed text is provided in the <a href="#">FAW Notice</a> . A hearing is scheduled for 05/13/2009 at FDEP, Tallahassee, Florida.	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
FL042409-2	Air Stationary Sources	04/17/2009	<a href="#">FAW Notice #7009140</a>	Notice Proposed Rule	Chapter 62–FDEP 210–Stationary Sources–General Requirements  Proposes amendments to Chapter 62-210, F.A.C., in response to requirements imposed by the EPA conditional approval of Florida's PSD air permitting program under the federal CAA. Proposed amendments include the following: <ul style="list-style-type: none"> <li>▪ Clarify the definition of "New Emissions Unit" as used in the PSD program</li> <li>▪ Add ODS to the definitions of "Regulated Air Pollutant" and "Significant Emissions Rate" such that emissions of ODSs are treated the same under Florida's PSD rules as under EPA's PSD regulations</li> </ul> Proposed text is provided in the <a href="#">FAW Notice</a> . A hearing is scheduled for 05/13/2009 at FDEP, Tallahassee, Florida.	
FL042409-3	Water Florida Oceans and Coastal Council	04/17/2009	<a href="#">FAW Notice #6567984</a>	Notice Meeting	Chapter 62–Florida Oceans and Coastal Council  The Florida Oceans and Coastal Council will hold a conference call to further its duties under the Oceans and Coastal Resources Act on 05/11/2009.	
FL042409-4	Water Groundwater	04/24/2009	<a href="#">FAW Notice #6989546</a>	Notice of Change	Chapter 62 – FDEP 520 – Groundwater Classes, Standards, and Exemptions  Changes have been made to the proposed rule published in <a href="#">FAW Notice #5752311</a> that combine Chapters 62-520 and 62-522, F.A.C., into one chapter to provide the following amendments: <ul style="list-style-type: none"> <li>▪ Facilitate finding rule requirements more easily</li> <li>▪ Update requirements for ground water monitoring plans</li> <li>▪ Better describe procedures for obtaining water quality criteria exemptions</li> <li>▪ Include two new guidance documents</li> <li>▪ Update a form</li> </ul> Changes can be found in the <a href="#">FAW Notice</a> .	
FL042409-5	Water Numeric Nutrient Criteria	04/17/2009	<a href="#">FAW Notice #7023302</a>	Notice Meeting	Chapter 62–Numeric Nutrient Criteria TAC  Announces a meeting to continue discussion of numeric nutrient criteria for streams, lakes, and springs, and will include discussion about the following items: <ul style="list-style-type: none"> <li>▪ EPA's Determination (concluding that numeric nutrient criteria are needed in Florida)</li> <li>▪ Florida's Nutrient Criteria Development Plan</li> <li>▪ Preliminary criteria for streams, lakes, and springs</li> </ul> The meeting will be held 05/05/2009 at FDEP, Tallahassee, Florida.	
FL042409-6	Water Sewage Treatment	04/17/2009	<a href="#">FAW Notice #6999246</a>	Notice of Change	Chapter 64E–Division of Environmental Health 6–Standards for Onsite Sewage Treatment and Disposal Systems  Changes have been made to the proposed rule published in <a href="#">FAW Notice #6842591</a> that address existing system tank inspection procedures; operating permits; filters, and components; land application of septage; drainfield repairs; portable restrooms; design, construction location, and use of septic tanks, dosing systems, drip irrigation systems, performance-based treatment systems, aerobic treatment systems, and mound drainfield systems; system abandonment; site evaluations; reports required; and availability of forms. Changes can be found in the <a href="#">FAW Notice</a> .	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
FL042409-7	Water SJRWMD	04/24/2009	<a href="#">FAW Notice #7020198</a>	Notice Meeting	Chapter 40C–SJRWMD Announces a public meeting to discuss regulatory and non-regulatory matters, scheduled for 05/12/2009 at SJRWMD Headquarters, Palatka, Florida.	
FL042409-8	Water SJRWMD	04/24/2009	<a href="#">FAW Notice #7022332</a>	Notice Meeting	Chapter 40C–SJRWMD Announces a business meeting of the Projects and Land Committee on 05/11/2009 in Palatka, Florida.	
FL042409-9	Water SJRWMD	04/24/2009	<a href="#">FAW Notice #7022332</a>	Notice Workshop	Chapter 40C–SJRWMD Announces a workshop on Communications and Outreach and Review of Administrative Procedures, Chapter 120, F.S., on 05/11/2009 in Palatka, Florida.	

## 2.5 Louisiana State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of Louisiana.

## 2.6 Maryland State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Maryland.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
MD042409-1	Air Quality PSD	04/24/2009	<a href="#">36:9 Md.R. 674</a>	Proposed Action	Department of the Environment Prevention of Significant Deterioration Proposes to update the adoption of the EPA PSD federal requirements found under <a href="#">40 CFR §52.21</a> to include the changes in the July 1, 2008 edition of the CFR. Public hearing is scheduled 05/28/2009 in Baltimore, Maryland. Comments due 05/28/2009.	
MD042409-2	Stormwater Stormwater Management Act of 2007	04/24/2009	<a href="#">36:9 Md.R. 652</a>	Final Action	Department of the Environment Stormwater Management Act of 2007 Adopts amendments to Regulations. 01—.06 and .08—.11 under <a href="#">COMAR 26.17.02</a> Stormwater Management, establishing criteria and procedures for stormwater management that will promote the use of "environmental site design" to the maximum extent practicable. Effective 05/04/2009.	

The Maryland General Assembly ended its annual 90-day session on 13 April 2009 and has summarized the 2009 legislative session in [The 90 Day Report–A Review of the 2009 Legislative Session](#), dated 17 April 2009. A list of passed bills (in the Senate, House, or both) that may be of potential interest to NASA's Goddard Space Flight Center is provided below.

## **Section K-Natural Resources, Environment, and Agriculture.**

- ***Environmental Health Monitoring and Testing-Reimbursement of Costs (House Bill 259)***-would require persons responsible for violations of certain provisions of the Environment Article to reimburse the MDE or a county for costs incurred in conducting certain testing related to the release of a hazardous substance, discharge of oil, or discharge of a pollutant to the waters of the State.
- ***Greenhouse Gas Emissions Reduction Act of 2009 (House Bill 315/Senate Bill 278)***-would require the state to develop plans, adopt regulations, and implement programs to reduce GHG by 25 percent from 2006 levels by 2020.
- ***Environment-Limitation of Actions-Political Subdivisions (House Bill 420)***-would extend the 3-year statute of limitations to suits brought by local governments for civil penalties for environmental violations.
- ***Environment-Permit Applications-Notice Requirements (House Bill 1078/Senate Bill 47)***-would require MDE to post notice of applications for certain permits on the department's web site and also would require MDE to provide a method for interested persons to electronically request additional notices related to particular permit applications.
- ***Environment-Water Pollution Control-Penalties (Senate Bill 408)***-would increase the maximum penalty for a violation of any of the water pollution laws in Environment Article, Title 9, from \$1,000 to \$5,000.
- ***Sales and Use and Property Tax-Exemptions-Solar Energy Equipment and Property (Senate Bill 621)***-would extend existing tax exemptions for the purchase of solar energy equipment or property used to generate electricity supplied to the electric grid.

## **Part H-Business and Economic Issues**

- ***Business Occupations-Crane Operators-Certificate of Competence (Senate Bill 991)***-would specify that a person may not operate a crane or authorize operation of a crane in the state for construction or demolition work unless the operator holds a certificate of competence. Crane operators must carry the certificate while operating the crane.

## **2.7 Mississippi State Regulatory Review**

No regulatory items of interest were identified during this reporting period for the state of Mississippi.

## 2.8 New Mexico State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in New Mexico.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
NM042409-1	Radiation Protection	04/15/2009	<a href="#">NM Register Vol. XX, p. 285</a>	Rule Amendments	<p>Environmental Improvement Board</p> <p><a href="#">20.3 NMAC Radiation Protection</a></p> <p>Revisions to the New Mexico <a href="#">Radiation Protection</a> regulations are as follows:</p> <ul style="list-style-type: none"> <li>Repealed: <ul style="list-style-type: none"> <li><a href="#">20.3.1 NMAC (Subpart 7)</a>–Radiation Materials and Radiation Machines, Medical Use of Radionuclide</li> <li><a href="#">20.3.1 NMAC</a>–Radiation Protection: General Provisions</li> <li><a href="#">20.3.3 NMAC</a>–Licensing of Radioactive Material</li> <li><a href="#">20.3.4 NMAC</a>–Standards for Protection Against Radiation</li> </ul> </li> <li>New: <ul style="list-style-type: none"> <li><a href="#">20.3.1 NMAC</a>–Radiation Protection: General Provisions</li> <li><a href="#">20.3.3 NMAC</a>–Licensing of Radioactive Material</li> <li><a href="#">20.3.4 NMAC</a>–Standards for Protection Against Radiation</li> <li><a href="#">20.3.7 NMAC</a>–Medical Use of Radionuclides</li> </ul> </li> <li>Amended: <ul style="list-style-type: none"> <li><a href="#">20.3.13 NMAC</a>–Licensing Requirements for Land Disposal of Radioactive Waste</li> <li><a href="#">20.3.15 NMAC</a>–Licenses and Radiation Safety Requirements for Irradiators</li> </ul> </li> </ul> <p>Effective 04/30/2009.</p>	<b>WSTF</b> should be aware of these changes to New Mexico Construction Codes.

## 2.9 Ohio State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Ohio.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
OH042409-1	Air New Source Review	04/24/2009	<a href="#">Public Notice</a>	Draft Rules	<p>Division of Air Pollution Control, OEPA</p> <p>New Source Review for Fine Particulate Matter [OAC <a href="#">3745-17-08</a> and <a href="#">3745-31</a>]</p> <p>Proposes draft amendments to OAC Rules 3745-17-08 and 3745-31. These amendments are related to federal changes affecting the implementation of the New Source Review program for fine particulate matter, generally referred to as PM 2.5. See the <a href="#">synopsis</a> for additional information. Comments due 05/27/2009.</p> <p><b>SIP References:</b></p> <p>General Provisions–40 CFR Part 52 <a href="#">Subpart A</a></p> <p>Ohio SIP–40 CFR Part 52 <a href="#">Subpart KK</a></p>	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
OH042409-2	Water Underground Injection Controls	04/13/2009	<a href="#">Public Notice</a>	Final Rule	Division of Drinking and Ground Waters, OEPA Requirements for Underground Injection Controls [OAC Chapter <a href="#">3745-34</a> ] Adopts revised requirements for underground injection controls. The adopted rules include clarifications and establish new requirements for new Class V storm water drainage wells. Effective 04/23/2009.	
OH042409-3	Water Wastewater Permits to Install	04/20/2009	<a href="#">Notice</a>	Proposed Rule	Division of Surface Water, OEPA Permit to Install Rules [OAC Chapter <a href="#">3745-42</a> ] Publishes OEPA <a href="#">response to comments</a> and re-files revisions to rules addressing administrative and technical requirements for obtaining a wastewater Permit to Install.	

## 2.10 Texas State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Texas. Citations of the *Texas Register* are linked within the text to the corresponding entry in the version of the *Texas Register*. Current and historical versions of the *Texas Register* can be downloaded from the [Texas Register section of the Texas Secretary of State website](#).

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
TX042409-1	CAA Texas SIP	04/22/2009	<a href="#">74 FR 18298</a>	Final Rule	U.S. Environmental Protection Agency Approval and Promulgation of Air Quality Implementation Plans; Texas; Reasonable Further Progress Plan, Motor Vehicle Emissions Budgets, and 2002 Base Year Emissions Inventory; Houston-Galveston-Brazoria 1997 8-Hour Ozone Nonattainment Area Approves revision to the Texas SIP to meet the Reasonable Further Progress and Emissions Inventory requirements for the Houston-Galveston-Brazoria moderate 1997 8-hour ozone nonattainment area. Also approves the motor vehicle emissions budgets associated with the revision. Effective 06/22/2009 unless adverse comment received by 05/22/2009. <b>SIP References:</b> General Provisions—40 CFR Part 52 <a href="#">Subpart A</a> Texas SIP—40 CFR Part 52 <a href="#">Subpart SS</a>	

## 2.11 Utah State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Utah.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
UT042409-1	Air Definitions	04/15/2009	<a href="#">UT Bull. Vol. No. 2009-8; DAR File No. 32458</a>	Proposed Rule	Division of Air Quality; Department of Environmental Quality Definitions (UAC R307-101-2) Proposed rule would update the definitions of "chronic hazardous air pollutant," "Threshold Limit Value-Ceiling," and "Threshold Limit Value-Time Weighted Average" by replacing references to the 2007 version of the "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure" adopted by the American Conference of Governmental Industrial Hygienists, with references to the 2009 version. Comments due 5/15/2009.	
UT042409-2	Water Wastewater	04/15/2009	<a href="#">UT Bull. Vol. No. 2009-8; DAR File No. 32480</a>	Proposed Rule	Division of Water Quality; Utah Department of Environmental Quality Definitions and Eligibility (UAC 317-101-2) Proposed rule would add a definition for "principal forgiveness" to the existing rules under the Utah Wastewater Project Assistance Program. "Principal forgiveness" would be defined as a loan under which a portion of the wastewater project loan is forgiven upon payoff by grantee. Comments due 05/15/2009.	

### 2.11.1 Western Climate Initiative

The WCI has scheduled several upcoming meetings and events, including the following:

- Stakeholder Update Call: 30 April 2009
- Release of Final Draft of Essential Requirements of Mandatory Reporting: Week of 4 May 2009
- Stakeholder Call on Final Draft of Essential Requirements of Mandatory Reporting: 19 May 2009
- Partners Meeting in Seattle, Washington (open to stakeholders and the public): 27 May 2009
- Greenhouse Gas Cap Setting and Allowance Distribution Committee Workshop: 28 May 2009

Further information regarding WCI meetings and events is located at the WCI website:

[http://www.westernclimateinitiative.org/WCI\\_Meetings\\_Events.cfm](http://www.westernclimateinitiative.org/WCI_Meetings_Events.cfm).



## 2.12 Virginia State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Virginia. Citations of the [Virginia Register](#) (Va.R.) are linked to the appropriate volume of the Register, which is published in Adobe Acrobat (pdf) file format.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
VA042409-1	Water Storm Water Permitting	04/13//2009	<a href="#">25:16 Va.R. 2838</a>	Final Rule	Virginia Soil and Water Conservation Board 4 VAC 50-60 Develops a new General Permit for Storm Water Discharges from Construction Activities and amends some of the associated definitions. The existing General Permit was issued 07/01/2004. Effective 07/01/2009, except for <a href="#">4VAC50-60-1150</a> and <a href="#">Form DCR199-146</a> , effective 05/13/2009.	